

UNITED STATES DISTRICT COURT

DISTRICT OF NEW HAMPSHIRE

Robert V. Towle,  
Plaintiff

v.

Civil No. 07-cv-65-SM

NH Department of Health  
and Human Services, et al.,  
Defendants

**O R D E R**

Granted to the following extent. The magistrate judge considered the original complaint and amended complaint in the aggregate in determining whether this court had subject matter jurisdiction over the claims asserted by plaintiff. For the reasons given by the magistrate judge (Rooker-Feldman bar and Younger Abstention), and approved by the court, subject matter jurisdiction was found wanting. Consideration of all pleadings filed as complaints by plaintiff was over, not under-inclusive, and benefitted, not disadvantaged him in the search for federal subject matter jurisdiction. The absence of jurisdiction was not based on failures of the original complaint that were cured in the amended complaint - none of the complaints, considered separately or taken together, established subject matter

jurisdiction. No basis for relief under Rule 60(b) was argued by plaintiff or found by the court.

**SO ORDERED.**

  
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Steven J. McAuliffe  
Chief Judge

October 29, 2007

cc: Robert V. Towle, pro se  
Nancy Smith, Esq.  
John Vinson, NH DOC